IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3351 OF 2006

Sripad Mahadev Lad Applicant
versus
The State of Maharashtra Respondent

M.K.Kocharekar i/by P.V.Vare for applicant.
S.S.Pednekar, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. The applicant is arrested on 26th April 2006 in connection with CR No.23 of 2006. The offences alleged are cheating and forgery.

2. From a perusal of the order passed by the learned Sessions Judge it is clear that the charge sheet is filed. The investigations are complete. The co-accused are released on bail. Apart from parity, Shri Kocharekar submits that the applicant would not abscond and would be available for being tried for the offences. He states that he is deeply and firmly rooted in Navi Mumbai having premises of his own where he

was residing with his wife, son and daughter-in-law. Additionally, he is making an endeavour to settle the matter with the complainant bank.

3. Shri Hingorani, learned APP, does not dispute that the investigations are complete and charge sheet is filed. However, he submits that the applicant is directly involved in submission of false and fabricated documents, obtaining loan to the extent of Rs.14.50 lakh as also submitting forged guarantees. On several occasions it was found that the applicant was not available on Navi Mumbai address and had shifted to Kolhapur.

4. Learned advocate for the applicant disputes this fact and submits that if the applicant is enlarged on bail, he shall report daily at D.N.Nagar Police Station so also will not leave Mumbai and Navi Mumbai without prior permission of the Trial Court.

5. Since the investigations are complete, charge sheet is filed and the applicant is having no antecedents and willing to co-operate with the investigating machinery, the following order would serve the ends of justice.

6. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.23 of 2006 registered with D.N.Nagar Police Station subject to furnishing a personal bond of Rs.25,000/- (Rs.Twenty five thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall not leave Mumbai or Navi Mumbai Municipal limits without prior permission of the Trial Court;

(iii) Upon release, the applicant shall report to D.N.Nagar Police Station daily between 06.00 p.m. to 08.00 p.m. initially for two months and later on as directed by the Trial Court;

(iv) The applicant shall submit his passport, if any, forthwith with the Investigating Authority;

(v) The applicant shall furnish his residential address to the Investigating Authority before his release, and shall not change his residence without prior intimation to the Investigating Officer;

(vi) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vii) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(viii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(ix) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)